

MINUTES

ALCOHOL AND TOBACCO COMMISSION

NOVEMBER 1, 2005

CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz. Also in attendance were Industry Liaison Okey, Superintendent Huskey and Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans, Jeff McKean of Wooden & McLaughlin, John Barnett, John Krause, Bryan Redding, Harry Dunn and Marc Carmichael of IBA were present as observers.

DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the October 18, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the November 1, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as

appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Three hundred thirty-eight (338) renewals approved, thirty-two (32) new and/or transfer permits approved, six (6) permits approved for catering, four (4) permits approved for first year escrow, eight (8) permits approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL50-21976 KROGER LIMITED PARTNERSHIP I – Chairman Heath noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Brizzi – I would make a motion that we would overturn the local board. I don't think that Kroger has...I do believe that Kroger has met all of their requirements and should be granted their permit.

Commissioner Sturtz – I will second that.

Chairman Heath – Motion carries.

CH49-21879 HARRY DUNN VIP ACCOMMODATIONS, INC., D/B/A BIG FELLAS – Chairman Heath noted this is a new type 230 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to continue this matter until the next meeting, due to an investigation as to whether a building that is within 200 feet of this proposed establishment is a church. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR79-01365 TOMAR, INC., D/B/A RIEHLE BROTHERS – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR84-20634 TOP HAT, INC., D/B/A CLUB KOYOTE – Chairman Heath noted this is a type 210-1 renewal application with the local board voting two (2) to one (1) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve this renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-21871 FELICIA FARMER, D/B/A FELICIA'S PLACE – Chairman Heath noted this is a new type 210 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-01685 VALENTINE ENRIQUEZ, D/B/A CRYSTAL TAP – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-03396 BAR RIO, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting two (2) to two (2).

Vice Chairperson Brizzi moved to deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR45-06542 GAIL GRAY, D/B/A BLACK CHERRI – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-20579 S & J PUB ENTERPRISES, LLC, D/B/A BUBBAZ BAR & GRILL – Chairman Heath noted this is a type 209 renewal application with the local board voting two (2) to two (2).

Vice Chairperson Brizzi moved to continue this matter until the next meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

Vice Chairperson Brizzi moved to make twenty-seven (27) permits inactive. Seventeen permits are not subject to auction and ten permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals From Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

UNDER ADVISEMENT

Nothing Under AdviseMENT

ANNOUNCEMENTS

2005 PERMIT AUCTION – Chairman Heath stated the 2005 permit auction is scheduled for November 2, 2005 at 11:00 a.m. in the IGCS Conference Center.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

Approved this _____ day of _____, 2005.

DAVE HEATH, CHAIRMAN

MELANIE BRIZZI, VICE CHAIRPERSON

DALE STURTZ, COMMISSIONER